

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NELSON SUMPTER,

Petitioner,

v.

Case Number: 2:11-cv-15334
Honorable Victoria A. Roberts

MICHIGAN DEPARTMENT
OF CORRECTIONS AND
CARMEN PALMER,

Respondent.

OPINION AND ORDER SUMMARILY DISMISSING PETITIONER'S CASE

This is a habeas case filed by a state prisoner under 28 U.S.C. § 2254. Petitioner Nelson Sumpter, incarcerated by the Michigan Department of Corrections at the Earnest C. Brooks Correctional Facility in Muskegon Heights, Michigan, filed this Habeas Petition on December 6, 2011, challenging his 2008 convictions for fourteen counts of uttering and publishing, twelve counts of forgery, eight counts of false pretenses, four counts of money laundering, and three counts of identity theft, imposed by a Wayne County Circuit Court judge.

On November 15, 2011, Petitioner filed a Habeas Petition challenging those same convictions. That case was assigned to The Honorable Arthur J. Tarnow. *See Sumpter v. Michigan Dep't of Corr.*, No. 2:11-cv-15060. It is pending.

The Court will dismiss this Petition, because it is duplicative of the Petition that is pending before The Honorable Arthur J. Tarnow; the claims, parties, and available relief do not significantly differ between the two actions. *See Barapind v. Reno*, 72 F.Supp.2d 1132, 1145 (E.D. Cal. 1999) (internal citations omitted). *See also Davis v. United States Parole Comm'n*, 870 F.2d 657 (Table), No.1989 WL 25837, at *1 (6th Cir. Mar. 7, 1989) (district court can

properly dismiss a habeas petition as being duplicative of a pending habeas petition, where the district court finds that the instant petition is essentially the same as the earlier petition); *Davis v. Sherry*, No. 07-12470, 2007 WL 2002881, at *1 (E.D. Mich. July 5, 2007) (same).

This dismissal is without prejudice to the proceedings in case number 2:11-cv-15060.

IT IS ORDERED.

S/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: December 20, 2011

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on December 20, 2011.

S/Linda Vertriest

Deputy Clerk